

EDITOR'S NOTE

The charitable or public trust is an ancient device deeply imbedded in the Anglo-American law. In the 16th Century and before, it was recognized and enforced by the English Court of Chancery. In 1601 the English Parliament enacted the Statute of Charitable Uses to afford a better protection and enforcement for the more important charities then in force.

In the last fifty years significant changes have occurred in this area of the law. The number of charitable trusts and the amounts held in trust have increased substantially. The scope of these trusts has been broadened and number of donors enlarged. New statutes have been enacted and more seem likely to follow regulating charitable trusts. For these reasons, the editors have felt it worthwhile to present to you this symposium dealing with the above problems and other aspects of charitable trusts.

Mr. Milton P. Simer, Chief Counsel of the United States Subcommittee of Housing, has written on the permissible purposes of philanthropic operations. In his article, Mr. Simer has discussed the present policy and has commented on the areas of change that seem imminent.

The accountability of charitable trusts in terms of the new state statutes is discussed by Miss Eleanor Taylor, Associate Professor at the University of Iowa. Miss Taylor has noted the recent developments in state legislation and suggestions for improvement in the area of accountability.

Mr. Ralph Klapp, Assistant Attorney General for the State of Ohio, has written concerning the supervision of charitable trusts in Ohio under the Ohio legislation. Mr. Klapp has outlined the operation of the Ohio Attorney General's Office in administering the Act with an evaluation of its operation and suggested improvements.

The special problem of the application of the Cy Pres Doctrine in Ohio is analyzed by Mr. John E. Sullivan of the Columbus Bar. Mr. Sullivan analyzes the trend of the Ohio decisions in applying this doctrine.

Professor G. Stanley Joslin of Emory University has written on the Mortmain Act in Ohio, comparing it with similar acts in other jurisdictions and concluding with suggestions for improvement of the Ohio Act.

One major use of the charitable trust in recent years is as an instrument in estate planning. Mr. Rene A. Wormser of the New York Bar has written on this problem, with an analysis of the types of charitable gifts and their advisability.

An increasingly important aspect of charitable trusts is the tax benefits that inure to them by statutory exemption. Mr. Lloyd E. Fisher, Jr., Assistant Trust Officer of the Huntington National Bank of Columbus, has discussed the purpose and range of the tax benefits under Ohio

statutes with the judicial interpretations thereof. Related to this is the economic impact of the tax advantages accorded to charitable trusts by statute. This problem is discussed by Professor Arthur D. Lynn and Professor Clinton V. Oster of the Economics Department of The Ohio State University.

The reader will note the number of references to Ohio Charitable Trust statutes. It was felt that to best analyze the problems which are covered by statute it was necessary to use a specific act. Since the largest number of our readers will be directly involved with the Ohio acts and since the interpretations of these statutes may be applied to the legislation in other states, we did not feel this involved an unfair slanting of the articles.